"'All the beds of the bays, rivers, creeks, and the shores of the sea within the jurisdiction of this commonwealth, and not conveyed by special grant or compact according to law, shall continue and remain the property of the commonwealth of Virginia, and may be used as a common by all the people of the state for the purpose of fishing and fowling, and of taking and catching oysters and other shell fish, subject to the provisions of chapters ninety-five, ninety-six, and ninety-seven, and any future laws that may be passed by the General Assembly.'

"In Taylor *v.* Commonwealth, 102 Va. 759, 770, 47 S. E. 875, 102 Am. St. Rep. 865, it was held that this statute is declaratory of the pre-existing common law of Virginia. And we are unable to accede to the soundness of the contention that this rule applies only to tidal waters. If the water be navigable, it may beyond low-water mark be used as a common for fowling and fishing. In Taylor *v.* Commonwealth, supra, 102 Va. page 773, 47 S. E. at page 880 [102 Am. St. Rep. 865], is the following enumeration of the rights of riparian owners whose lands abut on navigable waters:

"'First. The right to be and remain a riparian proprietor and to enjoy the natural advantages thereby conferred upon the land by its adjacency to the water.

'Second. The right of access to the water, including a right of way to and from the navigable part.

'Third. The right to build a pier or wharf out to navigable water, subject to any regulations of the State.

'Fourth. The right to accretions or alluvium.

'Fifth. The right to make a reasonable use of the water as it flows past or laves the land.'

"See, also, Norfolk *v.* Cooke, 27 Grat. (Va.) 430, 433, and cases cited; McCready *v.* Com., 27 Grat. (Va.) 985; Grinels *v.* Daniel, 110 Va. 874, 877, 67 S. E. 534; Meredith *v.* Triple Island Club, 113 Va. 80, 84, 73 S. E. 721, 38 L. R. A. (N. S.) 286, Ann. Cas. 1913E, 531; 19 Cyc. 992.

"We regard the above-quoted enumeration as complete, and hold that the plaintiff has no exclusive right of fowling on the waters of North Bay."

Libel and Slander—Acts Tending to Disgrace Plaintiff.—In Thompson *v.* Adelberg & Berman (Ky.), 205 S. W. 558, it appeared that a seller of clothes on the installment plan placed yellow cards, headed "Please take notice," in the front door and in the windows of a buyer's residence, and on a stick driven near a sidewalk, stating that their collector had called and would not further annoy buyer if she would pay the balance. It was held that this tended to disgrace her in the estimation of the public, and was libelous per se.

The court said: "There is a broad distinction between verbal

slander and a written or printed publication. In determining whether written or printed words are libelous per se, it is not necessary that they should impute to the person concerning whom they are published the commission of a crime involving moral turpitude, or an infectious disease, or unfitness to perform the duties of an office or employment, or prejudice him in his profession or trade, or tend to disinherit him. It is sufficient if they have a natural and reasonable tendency to degrade or disgrace him, or to render him odious, ridiculous, or contemptible in the estimation of the public. Axton-Fisher Tobacco Co. *v.* Evening Post Co., 169 Ky. 64, 183 S. W. 269, L. R. A. 1916E, 667, Ann. Cas. 1918B, 560.

"It is argued for the defendant that such is not the reasonable effect of the publication in question, and that the natural import of the words employed cannot be extended by innuendo. It must be remembered, however, that the cards in question were put in several conspicuous places about plaintiff's residence, so that they could be easily seen by the public from almost any angle. If the sole purpose of the defendant had been to notify plaintiff that its collector had called, and to request her to come to its store to pay the account, the mere placing of the card inside the door would have been sufficient. Hence some effect must be given to the studied effort of the defendant's agent to give the publication as wide and as effective publicity as the circumstances would permit. Viewing the transaction in the light of this fact, it cannot be doubted that defendant's real purpose was to coerce the payment of its debt by publishing plaintiff's delinquency, and thus disgracing her in the eyes of the public. That being true, it cannot be said that the natural meaning of the words was enlarged by the innuendo.

"In the case of Muetze *v.* Tuteur, 77 Wis. 236, 46 N. W. 123, 9 L. R. A. 86, 20 Am. St. Rep. 115, it was held that the sending of a red envelope through the mails, addressed to a merchant and indorsed for return to the organization 'For Collecting Bad Debts,' these words being in very large type, so as to attract special attention, constituted a libel. In the case of State of Missouri *v.* Armstrong, 106 Mo. 395, 16 S. W. 604, 13 L. R. A. 419, 27 Am. St. Rep. 361, it was held that the words 'Bad Debt Collecting Agency,' printed in large, bold type on envelopes mailed to a debtor, especially when mailed to him in care of his employers, constituted a criminal libel, under Rev. Stat. 1889, § 3869, as tending to 'expose him to public hatred, contempt or ridicule, or deprive him of the benefit of public confidence.' These cases cannot be distinguished from the case under consideration. In the former, the publication was through the mails necessarily confined to few persons. In this case the publication was by means of cards so artfully placed as not only to attract the attention of those who were naturally curious, but to lure

the gaze of those whose proneness to pry had long since lost its edge. We therefore conclude that the words in question were libelous per se."

Street Railways—Passenger Injured by Passing Automobile While Alighting.—In Woods *v.* North Carolina Public Service Co., 94 S. E. 459, the Supreme Court of North Carolina held that where plaintiff, while alighting from defendant's car, was struck by a passing automobile and sustained injuries, it could not be said that the negligence of the driver of the automobile relieved defendant, if it was also negligent.

The court said: "The negligence of the driver of the automobile is established by the evidence, but this does not relieve the defendant from liability, if it was also negligent, as there may be two proximate causes of an injury, and where this condition exists, and the party injured is not negligent, those responsible for the causes must answer in damages, each being liable for the whole damage, instead of permitting the negligence of one to exonerate the other. It is in the application of this principle it is held, except where the doctrine of comparative negligence prevails, that the plaintiff can not recover if his own contributory negligence concurs with the negligence of the defendant in causing the injury, because as his negligence is one of the proximate causes, he as well as the defendant is liable for the whole damage, and as there is no contribution among tort-feasors, he can not recover anything from the defendant. There may be more than one proximate cause of an injury, and it is well established that when a claimant is himself free from blame, and a defendant sued is responsible for one such cause of injury to plaintiff, the action will be sustained, though there may be other proximate causes concurring and contributing to the injury. In 21 Am. & Eng. Enc. (2d Ed.), 495, it is said: 'To show that other causes concurred in producing or contributing to the result complained of is no defense to an action of negligence. There is indeed no rule better settled in this present connection than that the defendant's negligence, in order to render him liable, need not be the sole cause of plaintiff's injuries.' Again, on page 496, it is said: 'When two efficient proximate causes contribute to an injury, if defendant's negligent act brought about one of such causes he is liable.'" Harton *v.* Telephone Co., 141 N. C. 461, 54 S. E. 299, approved in Harvell *v.* Lumber Co., 154 N. C. 262, 70 S. E. 389, where it was pointed out that the difference of opinion in the Harton case was only as to the application of the principle to the facts in that record.

"We must then inquire as to the negligence of the defendant, and here the decision depends on whether the defendant owed a duty to the plaintiff, who was a passenger on its car, and who was in-